THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.5573 of 2007

Date:20.03.2007

Between:

G.Nirmala and another

.. PETITIONERS

AND

The Eastern Power Distribution Company
of Andhra Pradesh Limited and others.

..RESPONDENTS

ORDER:

The first petitioner is a consumer of electricity for the purpose of pumping the water to a fish tank, *vide* service connection No.206 of Likithapudi Village under Category-II. The second petitioner is said to be a close relation to the first petitioner and he has a domestic service connection No.150 of the same village.

The second respondent issued a notice of provisional assessment, dated 18.07.2005, pointing out that the meter for service connection No.206 was struck up and estimated loss to the company at Rs.76,860/-. The first petitioner submitted her explanation to the provisional assessment notice. Thereafter, an order of final assessment was passed on 29.10.2005, affirming the figures mentioned in the notice of provisional assessment. It is stated that it was served on the first petitioner on 17.02.2007. The grievance of the petitioners is that on the one hand the Superintending Engineer, who hitherto used to be an appellate authority, is not receiving the appeal against the order of final assessment and respondents 2, 3 and 4 are threatening to

disconnect the domestic power supply to the second petitioner.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

The first petitioner states that the order of final assessment, dated 29.10.2005, was served upon her on 17.02.2007. Apart from the truth or otherwise of this contention, it needs to be noted that a substantial change as to the mechanism of adjudication has taken place in the recent past. At present, the appellate powers against the orders of final assessment are conferred on Special Court. The first petitioner can be granted reasonable time to avail that remedy. So far as the grievance of the second petitioner is concerned, it hardly needs any emphasis that before any disconnection is resorted to, the concerned consumer must be put on notice and inform him of the reasons.

For the foregoing reasons, the writ petition is disposed of, directing that:

(a) it shall be open to the first petitioner to prefer an appeal against the order of final assessment, dated 29.10.2005, before the concerned forum and if it is presented within two weeks from today, it shall be entertained without raising any objection as to the limitation; and

(b) the respondents shall issue notice and inform the reasons before they decide to disconnect the power supply to the second petitioner through service connection No.150.

There shall be no order as to costs.

_____

20.03.2007

Note: Issue C.C. in two days.

(B/o)
kdl